

REMARKS

Applicant requests reconsideration and further examination of this application.

In Paragraph 3, Examiner rejected Claims 9 and 16 under 35 U.S.C. § 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter. Applicant has canceled Claims 9 and 16 without prejudice in order to move the case to allowance.

In Paragraph 5, Examiner rejected Claims 1 - 4, 9 and 18 under 35 U.S.C. § 102(b) as being anticipated by *Denaro*, United States Patent No. 5,277,388. Applicant has amended Claim 1, canceled Claims 2 and 9, and amended Claims 3, 4 and 18. Therefore, the rejection of Claim 9 under § 102(b) is now moot. Applicant has amended Claim 1 to include the limitations of canceled Claim 2 including “wherein each support member is pivotally attached to the rear surface of the panel by support member hinge that is at an angle relative to a respective one of said right and left side edges of said panel” (with the terminology of Claim 2 changed slightly for clarity). Applicant has amended Claims 3 and 4 to be dependent upon amended Claim 1. Claim 18 has been amended to change the functional “for securing” language to structural “that attach” language, and has removed the unnecessary limitation of the support members being “in a fixed relationship”.

Applicant traverses the rejection of Claims 2 - 4 and believes that the Examiner should allow amended Claims 1 (which now includes the limitations of Claim 2), 3 and 4, and claims dependent thereon, for the reasons that follow.

The Examiner argued that *Denaro* discloses “a foldable reading stand (11) having a single, rigid plate panel (21) having a front surface, a rear surface and a right and left side edges, a shelf (31) connected to the panel and pivotal to a closed position parallel to the panel and to an operational position at an angle, and two support members (14) pivotally connected at an angle between 5 and 25 degrees, by a hinge (15) connected to a rear surface of the panel near the right and left side edges and are vertical when in the operational configuration and a securement system (35, 36, 48, 28, 29)”.

Contrary to the Examiner’s assertion, the elements in *Denaro* do not disclose “two support members (14) pivotally connected at an angle between 5 and 25 degrees, by a hinge (15)”. As shown in our attached Exhibit A, the hinge(s) (15) as disclosed by *Denaro* are parallel to the side edge(s) of the connecting portion (21), which the Examiner calls “rigid plate panel (21)”. Additionally, the *Denaro* hinge(s) (15) are also parallel to and/or form the side edge(s) of the central portion (13). Therefore, the hinges (15) of the two support members (14) are at 0 degrees relative to both the connecting portion (21) and the central portion (13). *Denaro* does

not disclose or suggest a hinge(s) as claimed by Applicant, in Claim 1, and as illustrated by one embodiment in Applicant's Figure 7, wherein the hinge(s) (9) are at an angle D from the right and left side edges of the panel (1).

Further, Applicant claims in Claim 3 that the support members that are pivotally attached to the rear surface by a hinge, said hinge being at an angle relative to a respective one of said right and left side edges of said panel, are also vertical when in the operational configuration. Thus, Applicant's invention in Claim 3 increases the stability of the entire book stand (100) because "The preferred angle of the support members to the rectangular panel and the preferred hinge angle result in the support members being wide spread under the rectangular panel, yet, still substantially vertical when the stand rests on a horizontal surface" (See Applicant's publication US 2004/0188588 Paragraph [0013] and Figure 12). With *Denaro's* hinge(s) (15) at 0 degrees relative to the side edges of either the connecting portion (21) or the central portion (13), *Denaro's* collapsible stand is more likely to tip over or collapse.

Therefore, Applicant believes amended Claim 1 is novel and unobvious in view of *Denaro*, and is now allowable. Applicant also believes that Claim 3 is novel and unobvious in view of *Denaro*, and is now allowable. Applicant also believes that Claim 4, which specifies a specific range of 5 to 25 degrees for the hinge angle, is novel and unobvious in view of *Denaro*, and is now allowable. Further, Claims 5-10 are also now allowable because they are dependent upon now allowable Claim 1 or an intervening allowable claim.

With regard to the rejection of Claim 18 under § 102(b), Applicant believes Examiner rejected Claim 18 because of the functional language "for securing" resulting in the last element of Claim 18 only claiming "securement systems". Applicant has replaced the functional language "for securing" with structural language "that attach", and has added "said" in front of "operational configuration" and "closed configuration" for clarity. No new matter has been added. Further, Applicant has removed the unnecessary limitation of the support members "in a fixed relationship" to the shelf. Therefore, Applicant believes Claim 18 is now allowable, and the claims dependent thereon, for the reasons that follow.

The elements in *Denaro* do not disclose "securement systems that attach the support members to the shelf in both operational configuration and closed configuration". As shown in Exhibit A, when *Denaro's* collapsible stand is in a "closed configuration", the support members (14) are not attached to the shelf (31). Further, there is no teaching or suggestion in *Denaro* to have the support members (14) attached to the shelf (31) when the collapsible stand is in this configuration. Therefore, Applicant believes that Claim 18 is novel and unobvious in view of *Denaro*, and is now allowable. Claims 19 and 20 are also now allowable as they are dependent

on allowable Claim 18.

In Paragraph 7, Examiner rejected Claims 1 and 8 under 35 U.S.C. § 102(b) as being anticipated by *Kolb*, United States Patent No. 6,672,549. The rejection of Claim 1 on these grounds is now moot, in view of the amendment of Claim 1 adding the language of Claim 2. Applicant respectfully disagrees with Examiner's rejection of Claims 8 in view of *Kolb* for the following reasons. As shown in the attached Exhibit B, the ““foot” (64) proper of the flap (30)” (see *Kolb* column 5, lines 52-53) is not two support members as indicated by the Examiner, but an extension of the one support member or flap (30). Further, the panel (12) as disclosed by *Kolb* only discloses one recess (36) for receiving the flap (30); there is not an additional or separate recess for receiving the foot (64) of the flap (30). There is no suggestion in *Kolb* to have a plurality of flaps (30) to be received in a plurality of recesses (36). Therefore, Applicant believes Claim 8 is novel and unobvious in view of *Kolb*, and is now allowable in its own right and because it is dependent upon now allowable Claim 1.

In Paragraph 10, Examiner rejected Claims 1 and 10 under 35 U.S.C. § 102(b) as being anticipated by *Choi*, United States Patent No. 4,610,416. Applicant has amended Claim 1, as stated above, to include the limitation “wherein each support member is pivotally attached to the rear surface of the panel by support member hinge that is at an angle relative to a respective one of said right and left side edges”. As shown in Exhibit C, the crease lines (22) of *Choi* are parallel to the side edges of the book holder (10). *Choi* does not include a hinge(s), claimed in Claim 1 and as illustrated by one embodiment in Applicant's Figure 7, wherein the hinge(s) (9) are at an angle D from the right and left side edges of the panel (1). Therefore, Applicant believes Claim 1 is novel and unobvious in view of *Choi*, Applicant believes Claim 10 is allowable because is it dependent upon now allowable Claim 1.

In Paragraph 11, Examiner rejected Claims 5-7, 11-14, 16, 19, and 20 under 35 U.S.C. § 103(a) as being unpatentable over *Denaro*, United States Patent No. 5,277,388. Applicant believes Claims 5-7 are allowable in their own right for reasons previously stated with regard to Claim 18 and stated below with regard to Claim 11, and because they are dependent upon now allowable Claim 1 or an intervening Claim. Applicant has canceled Claim 16 as stated above, therefore, the rejection of Claim 16 under § 103(a) is now moot. Applicant believes Claims 19 and 20 are allowable in their own right for reasons previously stated with regard to Claim 18, and because they are dependent upon now allowable Claim 18.

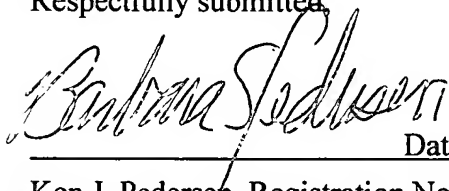
Applicant respectfully traverses Examiner's rejection of Claim 11 for the following reasons. As shown in Exhibit A, the shelf (31) of *Denaro* is not secured to the support members

(14) when the collapsible stand is in a "closed" or "flat" position. The shelf (31) of *Denaro* does not have a notch adapted to frictionally receive a protrusion of the respective support member in the closed configuration. On the other hand, in Applicant's Claim 11, the shelf comprises a plurality of notches, one of said notches adapted to frictionally receive a first protrusion of the respective support member in the operational configuration and to frictionally receive a second protrusion of the respective support member in the closed configuration, so that the support members and shelf are secured to each other in both said operational and closed configurations. The examiner bears the burden of establishing a *prima facie* case of obviousness. MPEP § 2142. A *prima facie* case of obviousness is not established unless the prior art teaches or suggests all of the claim limitations. MPEP § 2143.03. While *Denaro* discloses slots (28, 29) and tabs (36, 48), there is no teaching in *Denaro*, and no evidence of record making it obvious to modify *Denaro*, to have the slots (28, 29) be located on the shelf (31) nor to have the tabs (36, 48) be located on the support members. Further, there is no teaching in *Denaro*, and no evidence of record making it obvious to modify *Denaro*, to have the shelf frictionally secured to the support members when the collapsible stand (11) is in an inoperable position. Therefore, Applicant believes Claim 11 is novel and unobvious in view of *Denaro*, and is now allowable. Further, Applicant believes Claims 12-14 are allowable in their own right in view of the arguments made above, and because they are dependent upon allowable Claim 11.

Regarding Claims 15 and 17, Applicant believes these claims are allowable in their own right and/or as being dependent upon allowable Claim 11.

Applicant now believes the application is in condition for allowance and respectfully requests the same.

Respectfully submitted,

 2/16/05
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